

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMAS T. JOSEPH,

Plaintiff,

-against-

COUNTY OF WESTCHESTER, et al.,

Defendants.

22-CV-8891 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se*, brings this action alleging that Defendants discriminated against him. Plaintiff did not submit an application to proceed *in forma pauperis* (IFP), or pay the \$402.00 filing fees to initiate this action. On October 20, 2022, the Court directed Plaintiff to either submit an IFP application or pay the filing fees. The Court has learned, however, that Plaintiff previously submitted to this court an identical complaint against Defendants. *See Joseph v. Cnty. of Westchester*, ECF 1:22-CV-8742, 1 (LTS).

Because this complaint raises the same claims, no useful purpose would be served by litigating this duplicative action. The Court therefore vacates its order directing Plaintiff to pay the filing fees or submit an IFP application and dismisses the complaint as duplicative, without prejudice to Plaintiff's pending case under docket number 22-CV-8742 (LTS).

CONCLUSION

Plaintiff's complaint is dismissed without prejudice as duplicative of *Joseph v. Cnty. of Westchester*, No. 22-CV-8742 (LTS).

The Court directs the Clerk of Court to vacate its October 20, 2022, order directing Plaintiff to submit an IFP application or pay the filing fees. (ECF 2.)

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this case.

Dated: October 27, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge